

may be enjoyed or exercised by a county-line Independent School District and providing for an election to adjust the territory thus attached to said Common School District, and the territory thus attached to said independent school district, as to taxes which may be now levied upon said common school district and upon the property of said Independent School District, and for an assumption by the said Common School District and by said Independent School District, respectively, of the pro rata taxes payable by said added territory on account of any outstanding bond issues which may exist against said Common School District and against said Independent School District; and declaring an emergency."

Have had the same under consideration and I am instructed by the Committee to report the same back to the Senate with the recommendation that it do pass, and, being a local bill, that it be not printed.

WOOD, Chairman.

THIRTY-FOURTH DAY.

Senate Chamber,
Austin, Texas,

Monday, February 26, 1923.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor T. W. Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Murphy.
Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Rice.
Burkett.	Ridgeway.
Clark.	Rogers.
Cousins.	Stuart.
Darwin.	Strong.
Davis.	Thomas.
Doyle.	Turner.
Dudley.	Watts.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.
McMillin.	

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Watts.

(See Appendix for committee reports and petitions.)

Bills and Resolutions.

By Senator Rice:

S. B. No. 390, A bill to be entitled "An Act amending Sec. 2 of S. B. No. 25, Chapter 1 of the Special Laws of the State of Texas, passed at the First Called Session of the Thirty-seventh Legislature in 1921, and providing for that portion of the land hereby segregated from the Bowie Independent School District to bear its proportionate part of any bonded indebtedness now chargeable against that portion of the district hereby segregated and adding Sec. 2a and Section 2b."

Read first time and referred to Committee on Educational Affairs.

By Senator Strong:

S. B. No. 391, A bill to be entitled "An Act to prohibit private corporations, persons, cities, towns or other public corporations from exercising the right of eminent domain over certain riparian and water rights and lands under or adjacent to any streams in this State, used for the purpose of developing water power; excepting from the provisions hereof cities and towns having a population of 25,000 or over; repealing all laws in conflict herewith and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Wood, by request:

S. B. No. 392, A bill to be entitled "An Act to create the Denson Independent School District in Williamson County, Texas, including the present Denson School District of said county; providing a board of trustees therefor; vesting said independent school district and board of trustees with all the rights and powers, privileges and duties conferred upon Independent School Districts incorporated under the General Laws of Texas; providing that the board of trustees of the present Denson School District shall continue to act as such until their successors are elected and qualified in accordance with the General Laws of Texas; and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Ridgeway, by request:

S. B. No. 393, A bill to be entitled "An Act to amend Article 4068, Chapter 4, Title 64 of the Revised Civil Statutes of Texas of 1911, by

providing that the father and mother shall be joint natural guardians of their minor children, with equal rights, powers, and duties, and repealing all laws in conflict therewith."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Holbrook:

S. B. No. 394, A bill to be entitled "An Act making an appropriation for printing to the State Department of Education to print the necessary blanks and bulletins pertaining to the scholastic year 1922-1923, and in order that bulletin forms and blanks for the public schools may be prepared as nearly as possible by the opening of the scholastic year 1923-24, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Cousins:

S. B. No. 395, A bill to be entitled "An Act relative to liens for furnishing irrigation water and service, amending Chapter 88 of the General Laws of the Thirty-fifth Legislature, Regular Session, approved March 9th, 1917, by amending Sec. 87 of said Act and also limiting and regulating the contract lien upon crops irrigated, regulating the amount that may be charged for irrigation water and service, repealing all laws in conflict herewith and declaring an emergency."

Read first time and referred to Committee on Mining, Irrigation and Drainage.

By Senator Parr:

S. B. No. 396, A bill to be entitled "An Act to validate all sales of public school land sold to the highest bidder on January 20th, 1908 and now situated in Kleberg, Kennedy and Brooks counties, which are in good standing as to interest payments on the records of the General Land Office, authorizing patents to be issued when finally paid for and declaring an emergency."

Read first time and referred to the Committee on Public Lands and Land Office.

By Senator John Davis:

S. B. No. 397, A bill to be entitled "An Act providing for the collection of delinquent taxes of levee improvement districts; providing a method of procedure therefor; and declaring an emergency."

Read first time and referred to Committee on Mining, Irrigation and Drainage.

By Senator Witt:

S. B. No. 398, A bill to be entitled "An Act to require the teaching of the Constitution of the United States and of this State, including the study of and devotion to American institutions and ideals in all the public schools and colleges, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senators Bledsoe and Dudley, by request:

S. B. No. 399, A bill to be entitled "An Act to provide for cooperation between the State of Texas and the U. S. Department of Agriculture in the destruction of rodent pests, prairie dogs, rats, pocket gophers and ground squirrels and predatory animals, coyotes, wolves, mountain lions, and bobcats; appropriating funds for such purposes, providing said funds shall be expended equally between the Agricultural and Mechanical College of Texas and the Live Stock Sanitary Commission of Texas; providing also that the commissioners' court of any county or the governing body of any incorporated city or town within this State shall upon the request of 25 or more free holders, appropriate money out of the general fund not otherwise appropriated to assist the Department of Agriculture of the United States and the State of Texas in the destruction of such pests or animals, etc., and declaring an emergency."

Read first time and referred to Committee on Stock and Stock Raising.

S. C. R. No. 18.

By Senator Davis:

Whereas, the State of Texas has been blessed by a long line of public servants of honor and ability, and,

Whereas, Judge James I. Perkins, a former member of the Texas Senate, a former member of the Texas House of Representatives, and a former district judge in Texas is listed among these notable Texans, and,

Whereas, We have been advised of his death on February 25, 1923; now therefore, be it

Resolved, by the Senate of Texas, the House of Representatives concurring, That we hereby express our appreciation of the life work and honor the memory of this distinguished citizen; and present this notable character and public servant to the citizenship of Texas as a worthy model for those who would seek the rights or perform the duties of a Texas citizen; and we direct that the Secretary of the Senate forward a copy of these resolutions to Mrs. James I. Perkins, surviving widow of the late Judge James I. Perkins and Mr. B. B. Perkins, one of the surviving children of Judge Perkins, at Rusk, Texas.

The resolution was read and adopted unanimously.

Address by Senator Dudley.

Senator Bailey moved the Senate stand at ease for three minutes.

The motion prevailed.

Lieutenant Governor Davidson presented Senator Dudley, recently nominated for Democratic candidate for mayor of the city of El Paso, and Senator Dudley thanked the Senate for the hearty reception extended to him.

Simple Resolution No. 73.

By Senator Davis:

Whereas, Mrs. Knox Livingston, National and World Superintendent of Christian Citizenship of the W. C. T. U. is now in the city of Austin, and in the Senate Chamber; now therefore, be it

Resolved, That we the members of the Texas Senate, respectfully suggest and request that Mrs. Knox Livingston address the Senate during the morning session at such time as is convenient to her.

McMillin, Darwin, Witt, Clark, Turner, Davis, Bailey, Floyd, Pollard, Strong, Holbrook, Murphy, Stuart.

The resolution was read and adopted.

The Chair appointed Senators Davis, Darwin and Ridgeway as a committee to escort Mrs. Livingston to the president's stand, and she addressed the Senate.

S. B. No. 148 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

S. B. No. 148, A bill to be entitled "An Act to amend Chapter 20, Section 1, of the Acts of the Thirty-fourth Legislature as the same appears in Article 6435, of Vernon's Complete Statutes of Texas of 1920, providing against the removal or change in the location of general offices, machine shops, or round houses of any railroad in the State of Texas, and further providing that in event of removal of such general offices, machine shops, or round houses for a reasonable compensation to any party or parties having sustained financial injury or loss by reason of and on account of such removal; providing means and tribunals for ascertaining and collecting such damages, declaring this Act to be in addition to and supplementary of, Article 6435, of Vernon's Complete Statutes of Texas of 1920, and declaring an emergency."

The bill was read third time.

Senator Stuart offered the following amendment to the bill:

Amend Senate Bill No. 148 by adding the following clause after the word "change," line 16, page 3 of the printed bill: "Provided, that this bill shall apply only to present or former employees of the railroad company affected."

Senator Wirtz offered the following substitute for the amendment:

"Provided that this Act shall only apply to employees owning real estate in the limits of the city at the time of removal."

Senator Bowers moved to table the substitute.

Senator Rogers moved the previous question on the amendments and the final passage of the bill and the main question was ordered.

Question first recurring on the motion to table, yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—15.

Bailey.	Fairchild.
Baugh.	Lewis.
Bledsoe.	Murphy.
Bowers.	Parr.
Clark.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	

Nays—16.

Burkett.	Ridgeway.
Cousins.	Rogers.
Dudley.	Turner.
Floyd.	Watts.
Holbrook.	Wirtz.
McMillin.	Witt.
Pollard.	Wood.
Rice.	Woods.

Question then recurred on the substitute for the amendment.

Yeas and nays were demanded and the substitute was lost by the following vote:

Yeas—15.

Burkett.	Rogers.
Cousins.	Turner.
Dudley.	Watts.
Floyd.	Wirtz.
Holbrook.	Witt.
McMillin.	Wood.
Rice.	Woods.
Ridgeway.	

Nays—16.

Bailey.	Fairchild.
Baugh.	Lewis.
Bledsoe.	Murphy.
Bowers.	Parr.
Clark.	Pollard.
Darwin.	Strong.
Davis.	Stuart.
Doyle.	Thomas.

Question then recurred on the amendment.

The roll was called and the amendment was lost by the following vote, not receiving the necessary two-thirds majority:

Yeas—18.

Baugh.	Ridgeway.
Burkett.	Rogers.
Cousins.	Stuart.
Dudley.	Turner.
Floyd.	Watts.
Holbrook.	Wirtz.
McMillin.	Witt.
Pollard.	Wood.
Rice.	Woods.

Nays—13.

Bailey.	Fairchild.
Bledsoe.	Lewis.
Bowers.	Murphy.
Clark.	Parr.
Darwin.	Strong.
Davis.	Thomas.
Doyle.	

Question then recurred on the final passage of the bill.

Yeas and nays were demanded, and the bill failed on final passage by the following vote:

Yeas—14.

Bailey.	Lewis.
Bledsoe.	Murphy.
Bowers.	Parr.
Clark.	Pollard.
Cousins.	Strong.
Darwin.	Stuart.
Doyle.	Thomas.

Nays—17.

Baugh.	Ridgeway.
Burkett.	Rogers.
Davis.	Turner.
Dudley.	Watts.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
McMillin.	Woods.
Rice.	

Senator Fairchild moved to reconsider the vote by which the bill failed on final passage, and to spread that motion on the Journal.

Senator Holbrook moved to table the motion.

Yeas and nays were demanded and the motion to table prevailed by the following vote:

Yeas—15.

Baugh.	Ridgeway.
Burkett.	Rogers.
Davis.	Turner.
Dudley.	Watts.
Floyd.	Wirtz.
Holbrook.	Witt.
McMillin.	Woods.
Rice.	

Nays—14.

Bailey.	Murphy.
Bledsoe.	Parr.
Bowers.	Pollard.
Clark.	Strong.
Doyle.	Stuart.
Fairchild.	Thomas.
Lewis.	Wood.

Absent.

Cousins.	Darwin.
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Senator Fairchild raised the point of order that the motion to table was not in order at this time, but could be made only when the motion to spread on the Journal was called up.

The Chair overruled the point of order.

S. B. No. 160.—Postponed.

On motion of Senator Thomas, Senate Bill No. 160 was postponed until 2:30 p. m. today.

H. B. No. 308 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 308, A bill to be entitled "An Act to prevent the selling of bass, perch, or crappie, or catfish, taken from the fresh waters in the county of Comal, State of Texas; making it unlawful to use any dynamite or other explosives in the killing or catching of any fish of the fresh waters of said county, and providing a penalty for the violation thereof; prohibiting the use of any seine, drag net, trammel net or other net other than a minnow seine, which shall not be more than ten feet in length and the meshes of which shall not be smaller than one-fourth inch; providing for a closed season; prescribing the size of fish that may be taken; limiting the number of bass to be taken in any one day; providing that the district judge of the judicial district in which Comal County is situated shall give a special charge upon this law to the grand juries of Comal County; providing a penalty for the violation thereof, and declaring an emergency."

The bill was read third time and passed.

S. B. No. 164 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

S. B. No. 164, A bill to be entitled "An Act to amend Chapter 1, Title 29 of the Revised Civil Statutes of Texas of 1911 by adding thereto Articles 1459a, and 1459b; providing for the auditing of the books, records and accounts of district, county and precinct officers, agents, and employees and of institutions maintained by the county, at the public expense, on order of the county commissioners court; and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—25.

Baugh.	Pollard.
Bledsoe.	Rice.
Burkett.	Ridgeway.
Clark.	Rogers.
Cousins.	Strong.
Davis.	Stuart.
Doyle.	Thomas.
Dudley.	Turner.
Floyd.	Watts.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	Woods.
Parr.	

Nays—2.

Bowers.	Fairchild.
	Absent.
Bailey.	Murphy.
Darwin.	Wirtz.

S. B. No. 88 on Engrossment.

Senator Burkett called up Senate Bill No. 88, prohibiting corporations from employing special peace officers during industrial disagreements, which was read the second time on February 13, and laid on the table subject to call.

The Chair laid the bill before the Senate.

Senator Davis offered the following amendment to the bill:

Amend Senate Bill No. 88, as amended, by changing the period after the word "employees" in line 22, page 1, to a semicolon and add the following: "provided that the provisions of this Act shall not apply to the right of any such person, firm or corporation to have appointed, hired, employed or commissioned any person whomsoever as special deputy or otherwise to guard, preserve and care for property on premises belonging to or leased by such person, firm or corporation."

Senator Burkett offered the following substitute for the amendment:

Amend Senate Bill No. 88 by changing the period to a semicolon at the end of line 22 of the bill as amended, and add the following:

"Except that such persons may be commissioned as special officers with the specific provision contained in their commission, that they shall not carry arms off the premises of their employer, and shall not be permitted

to perform any of the duties of a peace officer while off the premises of his employer."

Senator Bledsoe moved to table the substitute.

Yeas and nays were demanded and the motion to table prevailed by the following vote:

Yeas—14.

Baugh.	Parr.
Bledsoe.	Rice.
Clark.	Stuart.
Dudley.	Turner.
Holbrook.	Watts.
Lewis.	Wirtz.
McMillin.	Wood.

Nays—13.

Bowers.	Ridgeway.
Burkett.	Rogers.
Cousins.	Strong.
Darwin.	Thomas.
Davis.	Witt.
Murphy.	Woods.
Pollard.	

Present—Not Voting.

Floyd.

Absent.

Bailey.	Fairchild.
Doyle.	

The amendment offered by Senator Davis was then adopted.

Question: Shall Senate Bill No. 88 be passed to engrossment?

Recess.

On motion of Senator Clark, the Senate, at 12:15 p. m., recessed until 2:30 p. m. today.

Afternoon Session.

The Senate met at 2:30 p. m. and was called to order by Lieutenant Governor T. W. Davidson.

Simple Resolution No. 74.

By Senator Rogers:

Be it resolved, that the Senate rules of the Thirty-seventh Legislature, as amended, be, and they are, hereby adopted as the permanent rules for the Thirty-eighth Legislature.

The resolution was read and adopted.

House Concurrent Resolution No. 3.

On motion of Senator Bailey, by unanimous consent, the Chair laid before the Senate House Concurrent Resolution No. 3.

Resolved by the House, the Senate concurring, That there be printed for the use of the House and Senate three hundred and fifty copies of the Texas Legislative Manual of the Thirty-eighth Legislature, which shall contain the Constitution of Texas, the Rules of the Senate, the Rules of the House, and the Joint Rules of the Senate and House, all of which shall be properly indexed, with such annotations as are necessary; a list of the standing committees of the two houses, the names of the Senators and Representatives, and their respective districts. It shall also contain the names of the officers of the House and Senate, and of the Representatives of the press in attendance.

Two hundred copies to be bound in flexible morocco covers at a cost not to exceed fifty cents per copy above the cost of the same books in flexible cloth, according to the specifications of the contract with the public printer.

Provided, further, that the name of each member and officer of the House and Senate be embossed upon the back of one copy of said manual, said copy to be the property of the member or officer whose name is upon said copy. Three-fourths of such copies shall be for the use of the House and one-fourth for the use of the Senate, and they shall be paid for out of the contingent funds of the two houses in said proportion; provided that the public printer shall not be paid for composition but one time.

The said bound volumes to be in the hands of the members of the Legislature within thirty days from the passage of this resolution.

Provided, further, that in addition to the two hundred copies to be bound in flexible morocco, as herein provided, there shall be one hundred paper-bound copies printed and turned over to the Secretary of State for the use in the Legislature hereafter, and fifty copies to be delivered to the State Librarian for exchange with other State libraries; that the members of the press, working as such in the Thirty-eighth Legisla-

ture, be provided a copy of said manual by the Secretary of State; and,

Provided, further that there shall be printed ten thousand copies of the Constitution of the State of Texas in paper-bound pamphlet form, and that each member of the House shall be entitled to twenty-five copies for distribution, and that the remainder shall be turned over to the Secretary of State for free distribution to the citizens of Texas, upon application therefor.

The resolution was read.

Senator Fairchild offered the following amendment to the resolution:

Amend House Concurrent Resolution No. 3 by inserting in said resolution 50,000 wherever 10,000 occurs.

The amendment was adopted.

The resolution, as amended, was then adopted.

S. B. No. 88 on Engrossment.

The Senate resumed consideration of pending business, the same being S. B. No. 88, relating to employment of special officers by corporations, on its passage to engrossment.

Yeas and nays were demanded, and the bill was passed to engrossment by the following vote:

Yeas—16.

Burkett.	Pollard.
Cousins.	Ridgeway.
Darwin.	Rogers.
Davis.	Stuart.
Doyle.	Strong.
Fairchild.	Thomas.
Floyd.	Witt.
Murphy.	Woods.

Nays—13.

Bailey.	Parr.
Baugh.	Rice.
Bledsoe.	Turner.
Clark.	Watts.
Holbrook.	Wirtz.
Lewis.	Wood.
McMillin.	

Present—Not Voting.

Bowers.

Absent.

Dudley.

Explanation of Vote on Senate Bill No. 88.

I was marked "present and not voting" on above bill, for the reason that the Davis amendment virtually ruined the bill, and with said amendment there is no use to pass the bill.
BOWERS.

S. B. No. 341 on Passage to Third Reading.

Senator Stuart called up S. B. No. 341, relating to county unit system, which was read second time on February 22, and laid on the table subject to call.

The Chair laid the bill before the Senate, on its passage to engrossment, with amendment by Senator Stuart pending.

The amendment was adopted.

Senator Stuart offered the following amendment to the bill:

Amend Senate Bill No. 341, Section 2, so that the second sentence in said Section shall read as follows:

The County Board of Education shall be composed of seven members, elected on the first Saturday in April, as provided by law for the election of county school trustees, one of whom shall be elected from each commissioners' precinct by the qualified voters of such precinct and three from the county at large who shall hold office for a term of four years or until their successors are elected, or appointed and qualified, under the provisions of this Act.

Omit all of the third sentence of said Section.

Amend Section 10 of Senate Bill No. 341, so that the second sentence of said section shall read as follows:

It shall be the duty of the county board of education before consolidating two or more separate schools located in separate school districts to call a meeting of the boards of trustees of such school districts to meet with the county board for the purpose of giving such board of local trustees an opportunity of being heard with reference to the advisability of making such consolidations.

Amend Senate Bill No. 341, Section 29, so that the last clause thereof, following the words "benefit of the schools within said district" shall read as follows: "and provided further that all property assessed for school purposes by the county shall be assessed

at such valuation as may be fixed by a county board of equalization, appointed by the county board of education, and such county school taxes shall be assessed and collected by an assessor and collector of taxes, appointed by the county board of education, said officer to receive such compensation as is provided in Section 31 of this Act."

Amend Section 56, Senate Bill No. 341, by inserting in the last line thereof, after the word "Section" the number 27.

Amend Senate Bill No. 341, Section 57, by striking out all of said section after the end of the third sentence thereof, making the said section end with the words "as the duties of the board require."

The amendments were adopted severally.

Senator Clark offered the following amendments to the bill:

Amend S. B. No. 341 by striking out Section 66, and inserting in lieu thereof, the following:

"All reference to schools in this Act shall be understood to apply alone to public schools, and the authority granted by this Act to the county board of education and the county superintendent of education of general supervision, control and management of the schools and the educational interest of the county, and the establishment of an educational policy for such county shall apply alone to the public school system. All laws or parts of laws, both general and special, in conflict with any portion of this Act, are hereby repealed and should it be judicially held that any portion of this Act is unconstitutional, void or unenforceable, the remainder shall nevertheless be of full force and effect."

The amendment was adopted.

Senator McMillin offered the following amendment to the bill:

Amend Senate Bill No. 341 by adding a new section, which shall be Section 67, and by renumbering the section containing the emergency clause which shall be Section 68; said new section to read as follows:

"Sec. 67. Provided that this Act shall apply only to counties having a population of one hundred thousand or over according to the United States census of 1920."

McMILLIN.
WOOD.

(Senator Holbrook in the Chair.)

The amendment was adopted.

Yeas and nays were demanded, and Senate Bill No. 341 was passed to engrossment by the following vote:

Yeas—20.

Baugh.	Lewis.
Bledsoe.	McMillin.
Bowers.	Murphy.
Burkett.	Pollard.
Clark.	Rice.
Darwin.	Ridgeway.
Davis.	Rogers.
Doyle.	Stuart.
Dudley.	Turner.
Holbrook.	Wood.

Nays—9.

Bailey.	Thomas.
Cousins.	Watts.
Fairchild.	Wirtz.
Floyd.	Woods.
Strong.	

(Pair Recorded.)

Senator Parr (present), who would vote yea; with Senator Witt (absent), who would vote nay.

S. B. No. 355 on Second Reading.

On motion of Senator Parr, by unanimous consent, the regular order was suspended and the Senate took up out of its regular order,

S. B. No. 355, A bill to be entitled "An Act to create the Palo Alto Independent School District out of a part of the Matamoros Common School District and the Bishop Independent School District in Nueces County, Texas, defining its boundaries; providing for a board of trustees in said district; conferring on said district and its board of trustees, all the rights, powers, privileges and duties now conferred and imposed by the General Laws of the State of Texas upon independent school districts and the board of trustees thereof; providing for the election of trustees, raising of revenue, issuing of bonds, building and maintaining schools; providing for the payment by the Palo Alto Independent School District of the pro rata share of the bonded indebtedness of the Bishop Independent School District and validating said obligation; providing for commissioners to fix the said pro rata share of said bonded in-

debtedness; repealing all laws insofar as they conflict herewith, and declaring an emergency."

The Chair laid the bill before the Senate, it was read second time, the committee report that the bill be not printed was adopted, and the bill was passed to engrossment.

S. B. No. 63 on Engrossment.

Senator Bledsoe called up Senate Bill No. 63, relating to sheriff's fees, which was read the second time on January 31, and laid on the table subject to call.

The Chair laid the bill before the Senate, with amendment by Senator Witt pending.

The amendment was withdrawn.

Senator Bledsoe offered the following amendment to the bill:

Amend C. S. S. B. No. 63, printed bill, page 27, line 20, by striking out lines 20 to 29, inclusive, and insert in lieu thereof the following:

"1. For the safekeep of each prisoner for each day the sum of fifteen cents.

"2. For support and maintenance for each prisoner for each day an amount as may be fixed by the commissioners' court, provided the same shall be reasonably sufficient for such purpose, and in no event shall it be less than forty cents per day for each prisoner, nor more than seventy-five cents per day for each prisoner, provided, however, that the net profits shall constitute fees of office and be accounted for by the sheriff in his annual report as other fees now provided by law; and the sheriff shall in such report furnish an itemized verified account of all expenditures made by him for feeding and maintenance of prisoners, accompanying such report with receipts and vouchers in support of such items of expenditure, and the difference between such expenditures and the amount allowed by the commissioners' court shall be deemed to constitute the net profits for which said officer shall account as fees of office.

"3. For necessary medical bill and reasonable extra compensation for attention to a prisoner during sickness, such an amount as the commissioners' court of the county where the prisoner is confined may determine to be just and proper.

"4. The reasonable funeral expenses in case of death."

Yeas and nays were demanded, and the amendment was adopted by the following vote:

Yeas—20.

Bailey	Holbrook.
Baugh.	McMillin.
Bledsoe.	Parr.
Bowers.	Pollard.
Burkett.	Rice.
Darwin.	Ridgeway.
Davis.	Stuart.
Dudley.	Turner.
Floyd.	Wood.

Nays—8.

Clark.	Rogers.
Doyle.	Strong.
Fairchild.	Watts.
Murphy.	Woods.

Present—Not Voting.

Lewis.	Thomas.
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Absent.

Cousins.	Witt.
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Senator Bledsoe offered the following amendment to the bill:

Amend C. S. S. B. No. 63, page 18, printed bill, strike out sentence line 1, beginning with the words "all amounts received" down to the end of line 4 and insert in lieu thereof the following:

"All fees collected by officers named in Article 3881 to 3886 of the Revised Statutes of 1911 during any fiscal year in excess of the maximum amount allowed by law, and of the one-fourth of the excess of the maximum amount for their services, and for the services of their deputies or their assistants as herein provided for shall be paid into the county treasury of the county where the excess accrued; provided that in counties of less than twenty-five thousand inhabitants by such last preceding United States census, and which counties constitute a separate judicial district, the chief deputy or first assistant of the officers named in this chapter shall receive a sum not to exceed a rate of eighteen hundred dollars per annum, and the other deputies or assistants a sum not to exceed a rate of fifteen hundred dollars per annum, and the limitations as to the pay of depu-

ties and assistants elsewhere provided in this chapter shall not apply in such counties."

(Lieutenant Governor Davidson in the Chair.)

Yeas and nays were demanded, and the amendment was adopted by the following vote:

Yeas—22.

Bailey.	Parr.
Baugh.	Pollard.
Bledsoe.	Rice.
Bowers.	Ridgeway.
Burkett.	Rogers.
Darwin.	Stuart.
Davis.	Turner.
Dudley.	Watts.
Floyd.	Witt.
Holbrook.	Wood.
McMillin.	Woods.

Nays—3.

Clark.	Fairchild.
Doyle.	

Present—Not Voting.

Lewis.	Strong.
Murphy.	Thomas.

Absent.

Cousins.	Wirtz.
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Senate Bill No. 63 was passed to engrossment.

Senator Murphy moved to reconsider the vote by which the bill was passed to engrossment.

Yeas and nays were demanded, and the motion to reconsider prevailed by the following vote:

Yeas—17.

Baugh.	Murphy.
Bowers.	Pollard.
Burkett.	Rogers.
Clark.	Strong.
Doyle.	Turner.
Fairchild.	Watts.
Holbrook.	Witt.
Lewis.	Woods.
McMillin.	

Nays—11.

Bailey.	Parr.
Bledsoe.	Rice.
Darwin.	Stuart.
Davis.	Wirtz.
Dudley.	Wood.
Floyd.	

Absent.

Cousins.	Thomas.
Ridgeway.	

Senator Rogers moved that further consideration of the bill be postponed indefinitely.

Yeas and nays were demanded, and the motion to postpone was lost by the following vote:

Yeas—5.

Clark.	Rogers.
Doyle.	Woods.
Pollard.	

Nays—23.

Bailey.	McMillin.
Baugh.	Murphy.
Bledsoe.	Parr.
Bowers.	Rice.
Burkett.	Ridgeway.
Darwin.	Stuart.
Davis.	Turner.
Dudley.	Watts.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	

Present—Not Voting.

Strong.

Absent.

Cousins.	Thomas.
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On motion of Senator Bledsoe, by unanimous consent, Senate Bill No. 63 was made pending business after the morning call tomorrow.

H. B. No. 60 on Passage to Third Reading.

Senator Fairchild called up House Bill No. 60, relating to Insurance Department of Texas, which was finally passed on February 21, and a motion to reconsider spread on the Journal.

The Chair laid the bill before the Senate, and the motion to reconsider prevailed.

Question: Shall House Bill No. 60 be finally passed?

Senator Fairchild offered the following amendments to the bill:

(1)

Amend House Bill No. 60 as amended by striking out all after the enacting clause and before the section thereof declaring an emergency, and inserting in lieu thereof the following:

Section 1. There is hereby created a separate department of the State government to be known as the Department of Insurance and to be com-

posed of the State Insurance Commission as now constituted by law, and with the Commissioner of Insurance as chairman of such commission. And there is hereby created the office of Commissioner of Insurance to be chairman of said commission. Such commission, when so created, shall have the powers, authority, jurisdiction, functions, duties and privileges herein provided.

Sec. 2. The Governor shall within fifteen days after this Act takes effect and thereafter appoint, by and with the advice of the Senate, a Commissioner of Insurance, who shall be a citizen of the State and fully qualified to discharge the duties of such office. Said Commissioner of Insurance shall hold his office for a term of two years and until the appointment and qualification of his successor.

Sec. 3. Said Insurance Commission shall be vested with every jurisdiction of and over all matters, things, powers and functions of the Department of Insurance and Banking, except such as may have been divested therefrom and invested in the Department of Banking by law. And it shall have jurisdiction and control over and of all powers, things, matters and functions now vested in the State Insurance Commission. The present two Commissioners of the said Insurance Commission shall continue to hold their respective positions as such until their successors are appointed and qualified as provided by law. The Commissioner of Insurance shall receive a salary of \$4800 a year, and each of the other Commissioners shall receive a salary of \$4000 a year; which salaries shall be payable monthly in proper installments; and the salaries hereby fixed shall be the maximum to be received by either of them for any and all of the services of every character and kind rendered by virtue of the office which he holds. Each of said Commissioners shall be a citizen of the State of Texas and fully qualified to discharge the duties to which he is appointed.

Sec. 4. The Governor may fill any vacancy occurring in the office of Commissioner of Insurance and report the name of the person so appointed to the Senate, if in session, or at the next succeeding session of the Legislature. Should the Senate fail to confirm the appointment made by the Governor within ten days after being advised thereof, then the said office

shall be deemed vacant and a new appointment shall be made until the office is filled.

Sec. 5. Within fifteen days after notice of his appointment, and before entering upon the duties of his office, each Commissioner and the Commissioner of Insurance shall take the oath of office prescribed by the Constitution, and shall give a bond to the State of Texas in the sum of \$5000, executed by some surety company authorized to do business in Texas, to be approved by the Governor and conditioned for the faithful discharge of the duties of his office, which oath and bond shall be filed in the office of the Secretary of State.

Sec. 6. The purpose of this Act is to consolidate the State Insurance Commission with the department hereby created and which has been taken from the Department of Insurance and Banking; and it is not designed to change the personnel, powers, jurisdiction, functions, duties and rights of said Commission other than is herein expressly provided.

Sec. 8. The Commission shall have the power and it shall be its duty to appoint the necessary actuaries, stenographers, clerks and other employees requisite to the efficient carrying out of the provisions of this Act; and the Legislature shall fix and provide for the payment of the salaries of all such employees. To the end that efficient and faithful services may be procured, the Legislature declares that the members of said Commission and the employees thereof are hereby placed as near as possible under a rule of civil service.

Sec. 8. The cost of the entire administration of said department, including all salaries and other expenses, shall be paid out of the general revenue of this State upon proper appropriation made therefor.

Sec. 9. All actuaries and examiners shall be expert and efficient and qualified to fill the positions to which they are appointed. No Commissioner or any employee of said department shall be interested in any way in any insurance company, association, partnership or individually engaged in the insurance business, other than as an insured.

Sec. 10. The Commission shall have a seal of office, the design of which shall consist of a star, with letters composing the word "Texas" between the points thereof. Said seal to be not

less than one and one-half and not more than two inches in diameter, and on the margin shall show "Department of Insurance." Such seal thus formed and impressed shall be the seal of the Department of Insurance.

Sec. 11. If any section or provision of this Act shall be unconstitutional, it shall not render invalid any other provision or part of said Act.

Sec. 12. This bill shall not become effective until September 1, 1923.

Sec. 13. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed.

Amend H. B. No. 60, as amended, by striking out all before the enacting clause thereof and inserting in lieu thereof the following:

H. B. No. 60, A bill to be entitled "An Act to create and provide for a Department of Insurance for the State of Texas, separate and distinct from the Department of Banking of this State; vesting therein, and giving to it jurisdiction of all matters, things, powers and functions of the Department of Insurance and Banking, except such as may have been divested therefrom and vested in the Department of Banking. And giving to it all the powers, jurisdiction, things and functions now vested in the State Insurance Commission; providing that the present two Commissioners shall continue to hold their respective positions until their successors are appointed and qualify as now provided by law. And providing for the appointment, term of office, name, compensation and to prescribe the qualifications and the powers and duties of the Commissioner of Insurance; the purpose of this Act being to consolidate the State Insurance Commission with the Department hereby created, without changing the personnel, powers, jurisdiction, functions, duties and rights of said Commission, other than is herein expressly provided for; to require of the Commissioner of Insurance an oath of office and a bond for the faithful discharge of his duties. The Department hereby created shall be known as the State Insurance Commission, and shall be composed of three members. The Commissioner of Insurance herein provided for shall be the chairman and presiding officer of said Commission. Each of the other two members of said Commission shall be designated and known as commissioners. And giving to the

commission the power to name and appoint all necessary actuaries, clerks, stenographers and other employees requisite to the efficient carrying out of the provisions of this Act. Providing that the salaries of the Commission and of all employees in said Department and all the expenses of same shall be paid out of the General Revenue of this State upon appropriation made for that purpose; providing that the members of the Commission and the employees of said Department shall be placed and held under a rule of civil service as far as possible; providing that no Commissioner or employee shall be interested in any insurance company except as an insured. Providing that if any section of this Act is declared unconstitutional it shall not invalidate the remainder thereof, declaring the purposes of this Act and repealing all laws or parts of laws in conflict therewith, and declaring an emergency."

The amendments were adopted by unanimous consent.

H. B. No. 60 was then finally passed.

S. B. No. 349—Set as Special Order.

Senator Clark moved to set S. B. No. 349 as a special order for next Thursday after the morning call.

The roll was called and the motion prevailed by the following vote:

Yeas—21.

Bailey.	Rice.
Bowers.	Ridgeway.
Burkett.	Rogers.
Clark.	Strong.
Cousins.	Stuart.
Davis.	Watts.
Doyle.	Wirtz.
Fairchild.	Witt.
Holbrook.	Wood.
Murphy.	Woods.
Parr.	

Nays—8.

Baugh.	Lewis.
Darwin.	McMillin.
Dudley.	Pollard.
Floyd.	Turner.

Absent.

Bledsoe.	Thomas.
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Simple Resolution No. 75.

By Senator Woods:

An amendment to Senate Rule No. 64.

Be it Resolved, That Senate Rule No. 64 be amended by adding thereto the following:

"When a motion to suspend the rules has been seconded, it shall be in order, before the final vote is taken thereon, to debate the proposition to be voted upon for thirty minutes, one-half of such time to be given to debate in favor of, and one-half to debate in opposition to such proposition; and the same right of debate shall be allowed whenever the previous question has been ordered on any proposition on which there has been debate."

The resolution was read and referred to the Committee on Rules.

Senate Photo.

Senator Pollard presented the following committee report:

Senate Chamber.

Austin, Texas, Feb. 26, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee appointed to arrange with a photographer for the making of the Senate picture, beg leave to report that we have arranged with the Elliots to furnish the picture to the Senate at a cost of \$113, the actual cost of the material.

POLLARD, Chairman.

DARWIN.

ROGERS.

On motion of Senator Pollard, the committee report was adopted.

S. B. No. 274 and H. B. No. 445 on Second Reading.

On motion of Senator Ridgeway, by unanimous consent, the regular order was suspended, and the Senate took up out of its regular order, S. B. No. 274, whereupon the Chair, under the rules, laid before the Senate on its second reading,

H. B. No. 445, A bill to be entitled "An Act to amend Chapter 16 of the General Laws of the State of Texas passed by the Thirty-fourth Legislature at its First Called Session, changing the time of holding courts in the Thir-

ty-third Judicial District of Texas by providing that said court shall hold three terms of two weeks each in Gillespie County, and by providing that the two terms of said court to be held in Burnet County may continue in session for three weeks each, and repealing all laws and parts of laws in conflict herewith, and creating an emergency," being a bill on the same subject.

The bill was read second time, the committee report that it be not printed was adopted, and the bill was passed to third reading.

H. B. No. 445 on Third Reading.

On motion of Senator Ridgeway, the constitutional rule requiring bills to be read on three several days in each House was suspended, and H. B. No. 445 was put upon its third reading and final passage by the following vote:

Yeas—31.

Bailey.	Murphy.
Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Rice.
Burkett.	Ridgeway.
Clark.	Rogers.
Cousins.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Dudley.	Watts.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.
McMillin.	

The Chair then laid H. B. No. 445 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—31.

Bailey.	Floyd.
Baugh.	Holbrook.
Bledsoe.	Lewis.
Bowers.	McMillin.
Burkett.	Murphy.
Clark.	Parr.
Cousins.	Pollard.
Darwin.	Rice.
Davis.	Ridgeway.
Doyle.	Rogers.
Dudley.	Strong.
Fairchild.	Stuart.

Turner.	Witt.
Thomas.	Wood.
Watts.	Woods.
Wirtz.	

S. B. No. 300 on Second Reading.

On motion of Senator Watts, by unanimous consent, the regular order was suspended, and the Senate took up out of its regular order,

S. B. No. 300, A bill to be entitled "An Act providing the manner in which notice may be given by a party to a proceeding before any commission, board or other administrative or quasi-judicial agency in this State, that he will not abide by, or that he appeals or intends to appeal from, the final order, ruling or decision of such commission, board or other agency; providing that this Act shall be cumulative of other laws specifying the manner in which any such notice may be given; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The Chair laid the bill before the Senate, and it was passed to engrossment.

S. B. No. 301—Free Conference Committee Requested.

Senator Fairchild called up S. B. No. 301, with House amendments, and moved that the Senate do not concur in the House amendments, but that a free conference committee be requested.

The motion was adopted.

Addition to Standing Committee.

On motion of Senator Witt, Senators Baugh, Wood and Holbrook were added to the Committee on State Affairs.

S. B. No. 265, Set as Special Order.

On motion of Senator Parr, by unanimous consent, Senate Bill No. 265 was set as a special order for next Wednesday after the morning call.

Message From the Governor.

Governor's Office,
Austin, Texas, Feb. 26, 1923.
To the members of the Texas State Senate.

Gentlemen: In keeping with the

provision of Senate Bill No. 229, creating the Texas Rate Making Board, I have today named the following as members of this board:

Ed Hall, Dallas; J. C. Jones, Nevada; John F. Rowe, Waco; R. H. Kirby, Austin; George Holmgreen, San Antonio.

I ask the advice, consent, and confirmation of the Senate to the above appointments.

The State Treasurer has expressed the opinion that on account of the change in the State banking laws, this board should hold its first meeting not later than Wednesday, February 28th. For this reason I should appreciate an early consideration by your honorable body of these appointments.

Respectfully submitted,
PAT NEFF, Governor.

Message from the House.

Hall of the House of Representatives.
Austin, Texas, Feb. 26, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 535, A bill to be entitled "An Act to amend Sections 20 and 21 of Chapter 207, General Laws of the Regular Session of the Thirty-fifth Legislature, 1917, fixing the rate of speed for automobiles upon public highways of the State and within the corporate limits of any incorporated cities or towns and within the boundaries of towns and villages not incorporated; prescribing penalties for violations of the provisions of the Act; repealing all laws or parts of laws in conflict with its provisions.

H. B. No. 965, A bill to be entitled "An Act to reorganize the Thirtieth and Sixteenth Judicial Districts and to create the Ninety-second Judicial District of the State of Texas, and for the appointment of the district judge for said Ninety-second Judicial District; providing for holding the district courts and terms in said Thirtieth, Sixteenth and Ninety-second Judicial Districts, respectively; providing that all process and writs heretofore issued, and that all recognizances and bonds heretofore made and executed and returnable to existing terms of district courts in the counties composing said districts, to-

gether with jurors heretofore selected, are valid and returnable to the first term of such court after this Act takes effect; providing that the county attorneys of the respective counties within said Ninety-second Judicial District shall perform the duties of district attorneys in their counties as well as the duties now performed by them, and providing fees of office for such county attorneys; providing for the transfer of cases from the Thirtieth Judicial District to the Ninety-second Judicial District; providing for the jurisdiction of said district courts, and providing for the continuation of the existing district courts in said counties in session when this Act takes effect to the end of their terms; repealing all conflicting laws, and declaring an emergency."

H. C. R. No. 19, relating to a petition to Congress in regard to certain forms of taxation.

The House returns to the Senate S. B. No. 301, without correction.

House has concurred in Senate amendments to House Bill No. 350.

Respectfully submitted,
C. L. PHINNEY,
Chief Clerk, House of Representatives.

Bills Read and Referred.

The Chair, Lieutenant Governor T. W. Davidson, had referred, after their captions had been read, the following House bills:

H. B. No. 289, referred to Committee on Civil Jurisprudence.

H. B. No. 361, referred to Committee on Roads, Bridges and Ferries.

H. B. No. 399, referred to Committee on Judicial Districts.

H. B. No. 487, referred to Committee on Public Health.

H. C. R. No. 21, referred to Committee on Penitentiaries.

H. B. No. 535, referred to Committee on Criminal Jurisprudence.

H. B. No. 565, referred to Committee on Judicial Districts.

H. C. R. No. 19, referred to Committee on Constitutional Amendments.

Bills Signed.

The Chair (Lieutenant Governor T. W. Davidson) gave notice of sign-

ing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 63.
H. B. No. 102.
H. B. No. 132.
H. B. No. 266.
H. B. No. 415.
H. B. No. 606.
H. B. No. 432.
H. B. No. 455.
H. B. No. 456.
H. B. No. 477.
S. B. No. 314.
S. B. No. 110.

Adjournment.

On motion of Senator Clark, the Senate, at 5:45 p. m., adjourned until 10 o'clock a. m. tomorrow.

APPENDIX.

Committee Reports.

Senate Chamber,

Austin, Texas, Feb. 26, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 269 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,

Austin, Texas, Feb. 26, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. J. R. No. 10, carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,

Austin, Texas, Feb. 26, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 21 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,

Austin, Texas, Feb. 26, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No.

164 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,

Austin, Texas, Feb. 26, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 191 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,

Austin, Texas, Feb. 26, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 193 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,

Austin, Texas, Feb. 26, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 207 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,

Austin, Texas, Feb. 26, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 216 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,

Austin, Texas, Feb. 26, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 219 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,

Austin, Texas, Feb. 26, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 228 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,

Austin, Texas, Feb. 26, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 237 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,

Austin, Texas, Feb. 26, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 246 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,

Austin, Texas, Feb. 26, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 247 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,

Austin, Texas, Feb. 26, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 248 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,

Austin, Texas, Feb. 26, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 249 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,

Austin, Texas, Feb. 26, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 251 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,

Austin, Texas, Feb. 26, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No.

261 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,

Austin, Texas, Feb. 26, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 270 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,

Austin, Texas, Feb. 26, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 273 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,

Austin, Texas, Feb. 26, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 274 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,

Austin, Texas, Feb. 26, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 288 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,

Austin, Texas, Feb. 26, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 317 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,

Austin, Texas, Feb. 26, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 88 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Committee Room,

Austin, Texas, Feb. 26, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared Senate Bill No. 314, and find the same correctly enrolled and have this day at 11:50 o'clock a. m. presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room,

Austin, Texas, Feb. 26, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared S. C. R. No. 17, and find the same correctly enrolled and have this day at 11:50 o'clock a. m. presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room,

Austin, Texas, Feb. 26, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared Senate Bill No. 110, and find the same to be correctly enrolled and have this day at 5:30 o'clock p. m. presented the same to the Governor for his approval.

DARWIN, Chairman.

(Floor Report.)

Senate Chamber,

Austin, Texas, Feb. 26, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 396, A bill to be entitled "An Act to validate all sales of public school land sold to the highest bidder on January 20, 1908, and now situated in Kleberg, Kenedy and Brooks Counties, which are in good standing as to interest payments on the records of the General Land Office, authorizing patents to be issued when fully paid for, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be printed in the Journal.

Thomas, Chairman; Parr, Wood, Dudley, Turner.

Committee Room,
Austin, Texas, Feb. 26, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on State
Affairs, to whom was referred

H. B. No. 45, A bill to be entitled
"An Act to prevent the selling of bass,
white perch, crappie, channel or other
catfish in the counties of Burnet,
Llano, San Saba, Brown, McCulloch,
Edwards, Coleman, Concho, Menard,
Blanco, Gillespie, Kimble, Sutton, Kin-
ney, Uvalde, Real, Kerr, Val Verde,
Loving and Pecos, State of Texas; pro-
hibiting the use of any seine, net, trap
or other device for taking or catching
fish other than a minnow seine which
shall not be more than twenty feet in
length; limiting the size of fish which
may be taken with a minnow seine;
making it unlawful to violate any of
the provisions of this law, and provid-
ing penalties for the violations thereof;
providing that the district judge of the
judicial districts in which these coun-
ties are situated shall give a special
charge upon this law to the grand
juries of said counties; and declaring
an emergency."

Have had the same under considera-
tion, and beg leave to report the same
back to the Senate with the recommen-
dation that it do pass.

WITT, Chairman.

Committee Room,
Austin, Texas, Feb. 26, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on State
Affairs, to whom was referred

S. B. No. 257, A bill to be entitled
"An Act to release the property of
the Timpson & Henderson Railway
Company from the payment of taxes
levied against it for State and county
purposes, in the counties of Rusk,
Panola and Shelby, for the years 1917
to 1922 by reason of public calamity,
and declaring an emergency."

Have had the same under considera-
tion, and beg leave to report the same
back to the Senate with the recom-
mendation that it do pass.

WITT, Chairman.

Committee Room,
Austin, Texas, Feb. 26, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on State
Affairs, to whom was referred

S. B. No. 384, A bill to be entitled
"An Act to amend Chapter 141 of the

General Laws, Regular Session of the
Thirty-seventh Legislature by mak-
ing further provisions for the estab-
lishment of State forests, authorizing
the Board of Directors of the Agri-
cultural and Mechanical College of
Texas to purchase lands, and express-
ing the conditions of such purchase,
or of gifts, devises, or transfers; pro-
viding that all lands held for refor-
estation purposes shall be subject to
all local taxes; fixing the limit that
may be paid by the said Board for
such lands; and making an appropri-
ation from the general revenues for
reforestation and the demonstration
of practical forestry."

Have had the same under consid-
eration and beg leave to report the
same back to the Senate with the
recommendation that it do pass.

WITT, Chairman.

Committee Room,
Austin, Texas, Feb. 26, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on State
Affairs, to whom was referred

S. B. No. 285, A bill to be entitled
"An Act amending Section 1 of Chap-
ter 5 of the General Laws of the
First Called Session of the Thirty-
fifth Legislature and providing for
the fixing of an indeterminate sen-
tence upon conviction of a felonv;
and providing for conditional pardon
of persons convicted of felony under
certain conditions."

Have had the same under consid-
ation and beg leave to report the
same back to the Senate with the
recommendation that it do pass and
be printed in the Senate Journal.

WITT, Chairman.

Committee Room,
Austin, Texas, Feb. 26, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on
State Affairs, to whom was referred

S. B. No. 344, A bill to be entitled
"An Act to authorize the Commis-
sioner of the General Land Office to
lease a group of three islands situated
in Bahia Grande (Big Bay) in Cam-
eron County for a term not to exceed
fifty years to the National Associ-
ation of Audubon Societies for and in
consideration of said Association un-
dertaking to propagate, protect and
conserve birds and bird life thereon;
providing punishment by fine and im-

prisonment for violation of this Act and declaring an emergency."

Have had the same under consideration and beg leave to report same back to the Senate with the recommendation that it do pass and that it be printed in the Senate Journal.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 26, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 305, A bill to be entitled "An Act providing for the maturing and collecting of ad valorem taxes payable to the State, the counties and the several subdivisions and districts embracing all or parts of one or more counties, collectable by the collectors of taxes of such counties, subdivisions and districts; including provisions for the maturing of unmatured installments in cases of default, and for consequent penalties and costs; providing a means of re-establishing the dates of maturing of defaulted installments, with cancellation of penalties and interest on those whose maturity is restored; providing for the exemption of certain taxes and parts of taxes from the operation of this law in certain cases during certain periods; including provision for collection of defaulted taxes by suit, and, as an incident of this system of maturities and collections, making unnecessary the preparing and publishing of a delinquent tax list; and prescribing duties of the collectors of taxes.

Have had the same under consideration and beg leave to report the same back to the Senate with the recommendation that it do pass and be printed in the Senate Journal.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 26, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 828, A bill to be entitled "An Act to fix the salaries of the judge of the County Court of Dallas County at Law No. 1 and of the judge of the County Court of Dallas County at Law No. 2, and prescribe the method and source of payment, to repeal all laws in conflict herewith, and to declare an emergency."

Have had the same under consideration and beg leave to report the same back to the Senate with the recommendation that it do pass and be printed in the Journal.

WITT, Chairman.

Committee Room,

Autin, Texas, Feb. 26, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 391, A bill to be entitled "An Act to prohibit private corporations, persons, cities, towns or other public corporations from exercising the right of eminent domain over certain riparian and water rights and lands under or adjacent to any streams in this State, used for the purpose of developing water power; excepting from the provisions hereof cities and towns having a population of 25,000 or over; repealing all laws in conflict herewith and declaring an emergency."

Have had the same under consideration and beg leave to report the same back to the Senate with the recommendation that it do pass and be printed in the Journal.

WITT, Chairman.

Senate Chamber,

Austin, Texas, Feb. 26, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Rules, to whom was referred House Concurrent Resolution No. 3, the same being a resolution "Providing for compiling and printing Legislative Manual of the Thirty-eighth Legislature, and printing copies of the Constitution of Texas."

Have had same under consideration and report it back to the Senate with the recommendation that it do pass.

Rogers, Chairman; Witt, Bowers, McMillin.

Committee Room,

Austin, Texas, Feb. 26, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

H. B. No. 487, A bill to be entitled "An Act defining and regulating the practice of chiropody in the State of Texas; providing for the examination and registration of persons desiring to practice chiropody and the issu-

ance of license therefor; providing for the creation of the State Board of Chiropody Examiners; prescribing fees that may be charged for registration; making it unlawful for any person not licensed under the law of this Act to practice chiropody; providing for the registration of persons who have been engaged in the practice of chiropody in other states; for the revocation of licenses granted by the State Board of Chiropody Examiners for the State of Texas; prescribing fees to be charged by the State Board of Chiropody Examiners; defining offenses and prescribing penalties therefor, and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed, but be printed in the Journal.

CLARK, Chairman.

THIRTY-FIFTH DAY.

Senate Chamber,
Austin, Texas,

Tuesday, Feb. 27, 1923.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor T. W. Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	McMillin.
Baugh.	Murphy.
Bledsoe.	Parr.
Bowers.	Pollard.
Burkett.	Rice.
Clark.	Ridgeway.
Cousins.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Dudley.	Watts.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.

Absent—Excused.

Rogers.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Strong.

(See Appendix for petitions and committee reports.)

Excused.

Senator Rogers, indefinitely, on account of important business, on motion of Senator Witt.

Bills and Resolutions.

By Senator Wood:

S. B. No. 400, A bill to be entitled "An Act making an emergency appropriation for the State Penitentiary System; providing that no part of same shall be used in or available for the payment of certain alleged notes alleged to have been executed by the Board of Prison Commissioners; and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Doyle:

S. B. No. 401, A bill to be entitled "An Act making an appropriation for the purpose of preserving and perpetuating memorials of the history of Texas by gathering and rescuing from oblivion the records of sailors, dead or living, serving in the Confederate Navy from Texas; providing for an agency through which said appropriation is to be used; and declaring an emergency."

Read first time and referred to the Committee on State Affairs.

By Senator Murphy:

S. B. No. 402, A bill to be entitled "An Act creating and incorporating the Houston Independent School District, and defining its boundaries; providing that said Act shall automatically extend to all territory which may hereafter be included in the new city limits by an extension thereof, and providing how the territory adjacent to said district may become part of said district; authorizing and providing the manner of selection of trustees, and describing their qualifications and terms of office, and organizing the Board of Education of the Houston Independent School District, and continuing the present school board until the organization of the Board of Education; and providing for an election to determine whether the board shall remain appointive, as herein required or shall become elective; prescribing the time and method of holding said election and how the trustees shall be elected thereafter if it is deter-